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10/596,486	06/15/2006	Philippe Gentric	FR030155	7269
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NXP, B.V.			BLACK, LINH	
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SAN JOSE, CA 95131				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/596,486	GENTRIC, PHILIPPE
	<b>Examiner</b>	<b>Art Unit</b>
	LINH BLACK	2159

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 6/15/06.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-11 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 15 June 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

This communication is in response to the application filed 6/15/06. Claims 1-11 are pending in the application. Claims 1, 4-5, 8 and 11 are independent claims.

***Claim Rejections - 35 USC § 112***

Claims 5-11 are vague and indefinite because the steps in the body of the claim recite the limitation of "means for..." which has been reasonably construed as the attempt by Applicant to invoke 35 U.S.C. 112, sixth paragraph. However, the metes and bounds of the claim have not been specifically defined for the limitation of "means for..." in the specification. The instant disclosure does not define the structures necessary for each "means for" 35 U.S.C. 112, sixth paragraph states that a claim limitation expressed in means-plus-function language "shall be construed to cover the corresponding structure...described in the specification and equivalents thereof." "If one employs means plus function language in a claim, one must set forth in the specification an adequate disclosure showing what is meant by that language. If an applicant fails to set forth an adequate disclosure, the applicant has in effect failed to particularly point out and distinctly claim the invention as required by the second paragraph of section 112." *In re Donaldson Co.*, 16 F.3d 1189, 1195, 29 USPQ2d 1845, 1850 (Fed. Cir. 1994) (in banc). (See MPEP 2181 [R-2]).

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The language of the claims 1-10 raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claims 1-4 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-3 disclose “a method of transmitting a multimedia content from a server to a client device...” Even though the server and client device are physical devices as described in specification, pages 4-5, however, the step of downloading or transmitting data between these two device is not specified that either of said device controls/manages/ties to said transmitting step. Thus, the method of transmitting can be controlled by a software and not tied to a physical machine. Claims 4-10 are system, server and client device of software per se because the claim limitations does not tie to at least a physical element in order to realize the claim’s teaching. Appropriate action is required.

### ***Drawings***

The drawings are objected to under 37 CFR 1.84(o) because they fail to show necessary textual labels of features in Figs. 1-8 as described in the specification. For example, placing the label, “client device” with element 14 of fig. 1, or

“player” with element 16 or “processing unit” with element 18, would give the viewer a clear understanding of the drawing. Please provide all textual labels for elements of figures 1-8. Also, any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kalra et al. (US 6490627).

As per claim 1, Kalra discloses 3

method of transmitting a multimedia content from a server to a client device through a distribution network upon request of said client device – figs. 12-14: item 400 stream server, items 500s client computers; col. 2, lines 8-17 (transmitting base streams and a desired number of additive streams of digital

data from a stream server to a client computer based on a profile obtained from the client computer).

said method using a plurality of groups of at least one set of files, each group being associated with an encoded multimedia content; said encoded multimedia contents being obtained by encoding said multimedia content with various encoder characteristics – fig. 8a: a slice of five macro-blocks of MPEG data, with each of these macro-blocks containing six blocks...within the first macro-block, the blocks labeled with numbers 1-6 that correspond to the sequence in which data corresponding to these blocks is obtained; col. 23, lines 12-30 (before describing how graphic adaptive streams are encoded and transmitted to a client computer from a server, a dictionary /look-up table, is used both at the server and client, stores information about different characteristics such as geometry, material, texture, and scene graph nodes, each of which have their own particular identifier, data pointer, priority and other characteristic specific attributes...); fig. 2b: item 20 stream management module with data streams of animation 3D & video, audio: classical, rock & roll, easy listening, text: English, French, German...to multimedia devices.

said groups being obtained by slicing said encoded multimedia contents in at least one set of slicing positions; forming slices that can be decoded independently of each other, each file containing a slice of an encoded multimedia content – figs. 5-8b (sequence start, group start, picture start, slice start...); col. 5, line 36 to col. 6, line 59 (...any desired subset of the additive adaptive streams can be transmitted from a server to an end user and

subsequently be decoded to reconstruct the video sequence at a resolution that corresponds to the number of additive adaptive streams...After the information for that slice is stored, information relating to the second slice and then subsequent n slices of that picture are stored...)

said method comprising: a step of selecting a group from said plurality of groups, a step of selecting a slice; a step of downloading, from said server to said client device – fig. 4: video sequence: pictures: partition picture into slices (a slice can have one or more macro-blocks); figs, 12, 14: stream server, http server, client computers, stream client; col. 4, lines 14-59 (the stream management will obtain a desired resolution profile from a multimedia device and based on the profile, select the appropriate base and additive streams from the available adaptive streams then transmits/downloads these selected streams to the multimedia device, where they are decoded and then displayed for the user to experience).

the file that contains the selected slice and belongs to the selected group, said steps being executed at least once – col. 18, lines 32-65 (in the index file is stored drop frame codes for each adaptive stream, down to the slice level, as well as pointers to the location for each slice of the data for the appropriate data that will be transmitted...at the end of a group code sequence, whether a profile update has occurred is checked in step 554e. If a profile update has occurred, then a new profile is received. If there is not a new profile, the a new group code, and corresponding pictures, each with corresponding adaptive streams is transmitted, which operation continues until the end of a sequence); col. 24, lines 10-50.

As per claim 2, Kalra discloses

calculating an estimation of the current transmission rate of the distribution network, wherein said group selection step takes said estimation into account – fig. 9a: items 104-124c; col. 7, line 41 to col. 8, line 65; col. 10, line 46 to col. 11, line 35.

As per claim 3, Kalra discloses

transmitting a client preference relating to said encoder characteristics from said client device to said server, and wherein said group selection step takes said client preference into account – col. 16, lines 10-60 (a connection is established between the adaptive stream server and the particular client computer.

Thereafter the profile is sent and after the user makes a selection of the particular sequence that he desires to see/hear and adaptive streams are transmitted in accordance with the user profile thereafter).

As per claim 4, Kalra discloses

a plurality of encoders with various encoder characteristics for encoding a multimedia content, thereby generating a plurality of encoded multimedia contents – col. 4, lines 32-46 (allows for independent operation of encoders and adaptive stream processors with respect to the adaptive servers as well as independent operation of decoders on the client computer); col. 8, lines 32-59 (the output from each of the encoders are then input to respective spatial scaling

transcoders...audio is also transmitted by the stream management module based upon profile characteristics selected by the user such as whether mono or stereo...); col. 22, lines 19-63.

a plurality of slicers for slicing said encoded multimedia contents in at least one set of slicing positions forming slices that can be decoded independently of each other, and for enclosing each slice of an encoded multimedia content in a file, thereby generating a plurality of groups of at least one set of files, each group being associated with an encoded multimedia content – fig. 4 video sequence: pictures: partition picture into slices (a slice can have one or more macro-blocks); figs. 5-8b (sequence start, group start, picture start, slice start...); col. 4, lines 14-59 (the stream management module will obtain a desired resolution profile from a multimedia device and based upon the profile, select the appropriate base and additive streams from the available adaptive digital data streams then transmits these selected streams to the multimedia device where they are decoded and displayed for the user to experience); col. 6, lines 10-65.

As per claim 5, Kalra discloses

A server having access to a plurality of groups of at least one set of files, each group being associated with an encoded multimedia content, said encoded multimedia contents being obtained by encoding a multimedia content with various encoder *characteristics* – col. 2, lines 9-50 (transmitting base streams and a desired number of additive streams of digital data from a stream server to a client computer based on a profile obtained from the client computer...).

encoding, storing, transmitting and decoding multimedia information in the form of scalable, streamed digital data...each different client computer may access different stream combinations according to a profile associated with each different client computer); col. 15, line 45 to col. 16, line 60.

said groups being obtained by slicing said encoded multimedia contents in at least one set of slicing positions forming slices that can be decoded independently of each other - figs. 5-8b (sequence start, group start, picture start, slice start...); col. 4, lines 14-59; col. 5, line 36 to col. 6, line 59 (...any desired subset of the additive adaptive streams can be transmitted from a server to an end user and subsequently be decoded to reconstruct the video sequence at a resolution that corresponds to the number of additive adaptive streams...After the information for that slice is stored, information relating to the second slice and then subsequent n slices of that picture are stored...) each file containing a slice of an encoded multimedia content – col. 18, line 32 to col. 19, line 41.

said server comprising: means for selecting a slice; means for downloading the file that contains the selected slice and belongs to a selected group - fig. 4: video sequence: pictures: partition picture into slices (a slice can have one or more macro-blocks); figs, 12, 14: stream server, http server, client computers, stream client; col. 4, lines 14-59 (the stream management will obtain a desired resolution profile from a multimedia device and based on the profile, select the appropriate base and additive streams from the available adaptive streams then

transmits/downloads these selected streams to the multimedia device, where they are decoded and then displayed for the user to experience).

said means being activated at least once upon reception of a request directed to said multimedia content from said client device – col. 18, lines 32-65 (in the index file is stored drop frame codes for each adaptive stream, down to the slice level, as well as pointers to the location for each slice of the data for the appropriate data that will be transmitted...at the end of a group code sequence, whether a profile update has occurred is checked in step 554e. If a profile update has occurred, then a new profile is received. If there is not a new profile, the a new group code, and corresponding pictures, each with corresponding adaptive streams is transmitted, which operation continues until the end of a sequence); col. 24, lines 10-50.

As per claim 6, Kalra discloses

means for receiving information relating to the current transmission rate of the distribution network from said client device, and group selection means for selecting said group on the basis of said information – fig. 9a: items 104-124c; col. 7, line 41 to col. 8, line 65; col. 10, line 46 to col. 11, line 35.

As per claim 7, Kalra discloses

means for receiving client preference data, and group selection means for selecting said group on the basis of said client preference data – col. 16, lines 10-60 (a connection is establish between the adaptive stream server and the

particular client computer. Thereafter the profile is sent and after the user makes a selection of the particular sequence that he desires to see/hear and adaptive streams are transmitted in accordance with the user profile thereafter).

As per claim 8, Kalra discloses

means for connecting to a server through a distribution network - figs. 12-14: item 400 stream server, items 500s client computers; col. 2, lines 8-17 (transmitting base streams and a desired number of additive streams of digital data from a stream server to a client computer based on a profile obtained from the client computer).

means for selecting a group of at least one set of files from a plurality of groups, each group being associated with an encoded multimedia content, said encoded multimedia contents being obtained by encoding a multimedia content with various encoder characteristics – fig. 8a: a slice of five macro-blocks of MPEG data, with each of these macro-blocks containing six blocks...within the first macro-block, the blocks labeled with numbers 1-6 that correspond to the sequence in which data corresponding to these blocks is obtained; col. 23, lines 12-30 (before describing how graphic adaptive streams are encoded and transmitted to a client computer from a server, a dictionary /look-up table, is used both at the server and client, stores information about different characteristics such as geometry, material, texture, and scene graph nodes, each of which have their own particular identifier, data pointer, priority and other characteristic specific attributes...); fig. 2b: item 20 stream management module with data

streams of animation 3D & video, audio: classical, rock & roll, easy listening, text: English, French, German...to multimedia devices.

said groups being obtained by slicing said encoded multimedia contents in at least one set of slicing positions forming slices that can be decoded independently of each other; each file containing a slice of an encoded multimedia content - figs. 5-8b (sequence start, group start, picture start, slice start...); col. 5, line 36 to col. 6, line 59 (...any desired subset of the additive adaptive streams can be transmitted from a server to an end user and subsequently be decoded to reconstruct the video sequence at a resolution that corresponds to the number of additive adaptive streams...After the information for that slice is stored, information relating to the second slice and then subsequent n slices of that picture are stored...)

means for sending at least one request to said server, said request being directed to said multimedia content and comprising an indication of the selected group – col. 4, lines 14-59 (the stream management will obtain a desired resolution profile from a multimedia device and based on the profile, select the appropriate base and additive streams from the available adaptive streams then transmits/downloads these selected streams to the multimedia device, where they are decoded and then displayed for the user to experience); col. 18, lines 32-65 (in the index file is stored drop frame codes for each adaptive stream, down to the slice level, as well as pointers to the location for each slice of the data for the appropriate data that will be transmitted...at the end of a group code

sequence, whether a profile update has occurred is checked in step 554e. If a profile update has occurred, then a new profile is received. If there is not a new profile, the a new group code, and corresponding pictures, each with corresponding adaptive streams is transmitted, which operation continues until the end of a sequence); col. 24, lines 10-50.

As per claim 9, Kalra discloses

means for calculating an estimation of the current transmission rate of said distribution network, and wherein said group selection means take said estimation into account – fig. 9a: items 104-124c; col. 7, line 41 to col. 8, line 65; col. 10, line 46 to col. 11, line 35.

As per claim 10, Kalra discloses

means for getting a client preference, and wherein said group selection means take said client preference into account – col. 16, lines 10-60 (a connection is establish between the adaptive stream server and the particular client computer.

Thereafter the profile is sent and after the user makes a selection of the particular sequence that he desires to see/hear and adaptive streams are transmitted in accordance with the user profile thereafter).

As per claim 11, Kalra discloses

a plurality of encoders with various encoder characteristics for encoding a multimedia content, thereby generating a plurality of encoded multimedia

contents - col. 4, lines 32-46 (allows for independent operation of encoders and adaptive stream processors with respect to the adaptive servers as well as independent operation of decoders on the client computer); col. 8, lines 32-59 (the output from each of the encoders are then input to respective spatial scaling transcoders...audio is also transmitted by the stream management module based upon profile characteristics selected by the user such as whether mono or stereo...); col. 22, lines 19-63.

a plurality of slicers for slicing said encoded multimedia contents in at least one set of slicing positions forming slices that can be decoded independently of each other, and for enclosing each slice of an encoded multimedia content in a file, thereby generating a plurality of groups of at least one set of files – fig. 4 video sequence: pictures: partition picture into slices (a slice can have one or more macro-blocks); figs. 5-8b (sequence start, group start, picture start, slice start...); col. 4, lines 14-59 (the stream management module will obtain a desired resolution profile from a multimedia device and based upon the profile, select the appropriate base and additive streams from the available adaptive digital data streams then transmits these selected streams to the multimedia device where they are decoded and displayed for the user to experience); col. 6, lines 10-65.

each group being associated with an encoded multimedia content, a distribution network - col. 2, lines 9-50 (transmitting base streams and a desired number of additive streams of digital data from a stream server to a client computer based on a profile obtained from the client computer... encoding, storing, transmitting

and decoding multimedia information in the form of scalable, streamed digital data...each different client computer may access different stream combinations according to a profile associated with each different client computer); col. 15, line 45 to col. 16, line 60.

a client device having means for connecting to a server through said distribution network - figs. 12-14: item 400 stream server, items 500s client computers; col. 2, lines 8-17 (transmitting base streams and a desired number of additive streams of digital data from a stream server to a client computer based on a profile obtained from the client computer).

means for sending at least one request to said server, said request being directed to said multimedia content - col. 4, lines 14-59 (the stream management will obtain a desired resolution profile from a multimedia device and based on the profile, select the appropriate base and additive streams from the available adaptive streams then transmits/downloads these selected streams to the multimedia device, where they are decoded and then displayed for the user to experience); col. 18, lines 32-65 (in the index file is stored drop frame codes for each adaptive stream, down to the slice level, as well as pointers to the location for each slice of the data for the appropriate data that will be transmitted...at the end of a group code sequence, whether a profile update has occurred is checked in step 554e. If a profile update has occurred, then a new profile is received. If there is not a new profile, the a new group code, and corresponding pictures, each with corresponding adaptive streams is transmitted, which operation continues until the end of a sequence); col. 24, lines 10-50.

a server having access to said plurality of groups - col. 2, lines 9-50 (transmitting base streams and a desired number of additive streams of digital data from a stream server to a client computer based on a profile obtained from the client computer... encoding, storing, transmitting and decoding multimedia information in the form of scalable, streamed digital data...each different client computer may access different stream combinations according to a profile associated with each different client computer); col. 15, line 45 to col. 16, line 60.

said server comprising: a) means for selecting a slice; b) means for downloading the file that contains the selected slice and belongs to a selected group – fig. 4: video sequence: pictures: partition picture into slices (a slice can have one or more macro-blocks); figs, 12, 14: stream server, http server, client computers, stream client; col. 4, lines 14-59 (the stream management will obtain a desired resolution profile from a multimedia device and based on the profile, select the appropriate base and additive streams from the available adaptive streams then transmits/downloads these selected streams to the multimedia device, where they are decoded and then displayed for the user to experience).

said means being activated at least once upon reception of a request directed to said multimedia content from said client device - col. 18, lines 32-65 (in the index file is stored drop frame codes for each adaptive stream, down to the slice level, as well as pointers to the location for each slice of the data for the appropriate

data that will be transmitted...at the end of a group code sequence, whether a profile update has occurred is checked in step 554e. If a profile update has occurred, then a new profile is received. If there is not a new profile, the a new group code, and corresponding pictures, each with corresponding adaptive streams is transmitted, which operation continues until the end of a sequence); col. 24, lines 10-50.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH BLACK whose telephone number is 571-272-4106. The examiner can normally be reached on Mon.-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trujillo can be reached on 571-272-3677. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

Art Unit: 2159

Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/HUNG Q. PHAM/  
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